

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200301027-DPS

Comment Period: December 5, 2003, through January 5, 2004

Project Manager: Daniel P. Swenson (213) 452-3414 daniel.p.swenson@usace.army.mil

Applicant

Rick Hauser
Gallery Heights Partners, LLC
31610-2 Railroad Canyon Road
Canyon Lake, California 92587

Contact

Kathleen Dale
Jones & Stokes
27403 Ynez Road, Suite 208
Temecula, California 92591-4617

Location

The proposed project is located near the city of Riverside, Riverside County, California (Figure 1). The site is located south of Van Buren Blvd., west of Tamra Lane and north of Krameria Ave. at approximately UTM Zone 11 464693 E and 3749026 N.

Activity

Gallery Heights Partners, LLC proposes to construct a 23 lot residential development on a 25 acre site. The proposed project would temporarily impact 0.05 acre of waters of the U.S. and permanently impact 0.28 acre of waters of the U.S., including 810 linear feet (l.f.) of ephemeral streambed, 427 l.f. of intermittent streambed, and 1335 l.f. of perennial streambed. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-CO-R-200301027-DPS
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: daniel.p.swenson@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- This project is located outside of the coastal zone and will not affect coastal zone resources.

Cultural Resources- A cultural resources records search and a field investigation were completed in March 2003. Based on these investigations, cultural resources were identified on-site. The Corps is currently evaluating these cultural resource sites to determine whether they are within close proximity to waters of the United States. If the Corps determines there are sites eligible for listing in the National Register of Historic Places which are located within our scope of analysis, we will then initiate consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Endangered Species- In 2003, protocol surveys were conducted for the coastal California gnatcatcher, the least Bell's vireo, and the southwestern willow flycatcher. No federally threatened or endangered species were detected. Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed activity, requiring a permit, is to permanently discharge fill in waters of the U.S. associated with the construction of an approximately 25 acre medium-density residential development (Figure 2). The proposed activity (Applicant's Preferred Project Alternative) would consist of road crossings and fill for 23 building pads. The proposed discharges would result in temporary fill of 0.05 acre of waters of the U.S. and permanent fill of approximately 0.28 acre of waters of the U.S., including 810 linear feet (l.f.) of ephemeral streambed, 427 l.f. of intermittent streambed, and 1335 l.f. of perennial streambed (Figure 3).

Additional Project Information

Baseline Conditions- The 25 acre proposed project site lies within the Santa Ana River Basin. The Site is located in an unincorporated portion of western Riverside County, south of the city of Riverside. The site is surrounded by unincorporated residential rural and tract housing. Portions of the site appear to have been disced for fire abatement purposes. No structures are present. Topography is moderate and gently rolling. Elevations on the site range from about 1480 feet (451 m) along the north edge to about 1380 feet (420 m) along the southern boundary. Water reaches the site from the northeast, drains to the southwest; from there it flows into Mockingbird Reservoir. A total of 0.34 acre of on-site aquatic resources is comprised of three drainages, including 900 linear feet (l.f.) of ephemeral streambed, 585 l.f. of intermittent streambed, and 1350 l.f. of perennial streambed (Figure 4). The study area supports southern willow scrub, Riversidian sage scrub, distributed in a patchy pattern within a matrix of ruderal vegetation. Southern willow scrub is present within the northeast to southwest running drainage, and is dominated by Goodding's Black Willow (*Salix gooddingii*), Red Willow (*Salix laevigata*), and Arroyo Willow (*Salix lasiolepis*), with an understory of Mule Fat (*Baccharis salicifolia*), Giant Creek Nettle (*Urtica dioica*), and Narrow-leaved Cattail (*Typha angustifolia*). Riversidian Sage Scrub is distributed in small patches across the study area, primarily along the upper banks of drainages, forming a transition between riparian and ruderal areas. These patches are dominated by Brittlebush (*Encelia farinosa*) or California Sagebrush (*Artemisia californica*), with relatively smaller proportions of California Buckwheat (*Eriogonum fasciculatum*) and Pine Goldenbush (*Ericameria pinifolia*). The herb layer within patches of Riversidian sage scrub is generally composed of nonnative and native forbs and nonnative grasses. Observed native forbs included Blue Dick's (*Dichelostemma capitatum*), California Wishbone Bush (*Mirabilis californica*), Wild Canterbury-Bell (*Phacelia minor*), and Baby Blue-Eyes (*Nemophila menziesii*).

Project Purpose and Need Statement- The Corps has determined the basic purpose of the proposed project is to construct residential development to meet the public need to provide housing for people. The proposed project would meet the private need to generate revenue through development of private land. The proposed project is not water dependent. The Corps has determined the overall project purpose is to construct a medium-density residential development within western Riverside County, California.

Alternatives Analysis- Currently, a full range of alternatives are being developed.

Proposed Mitigation- The applicant has proposed to mitigate for impacts to waters of the U.S. by funding 2.5 acres of off-site restoration within Mockingbird Creek to be conducted by the Riverside-Corona Resource Conservation District (RCRCD).

Proposed Special Conditions- None at this time.

For additional information please call Daniel P. Swenson of my staff at (213) 452-3414. This public notice is issued by the Chief, Regulatory Branch.



Figure 1
Study Area Vicinity Map
Gallery Heights Development
Tentative Tract 28767
Riverside County, California



Source Map: Delorme TopoUSA 3.0
 Original Scale: approximately 1 inch = 3.3 miles (1:17,600)

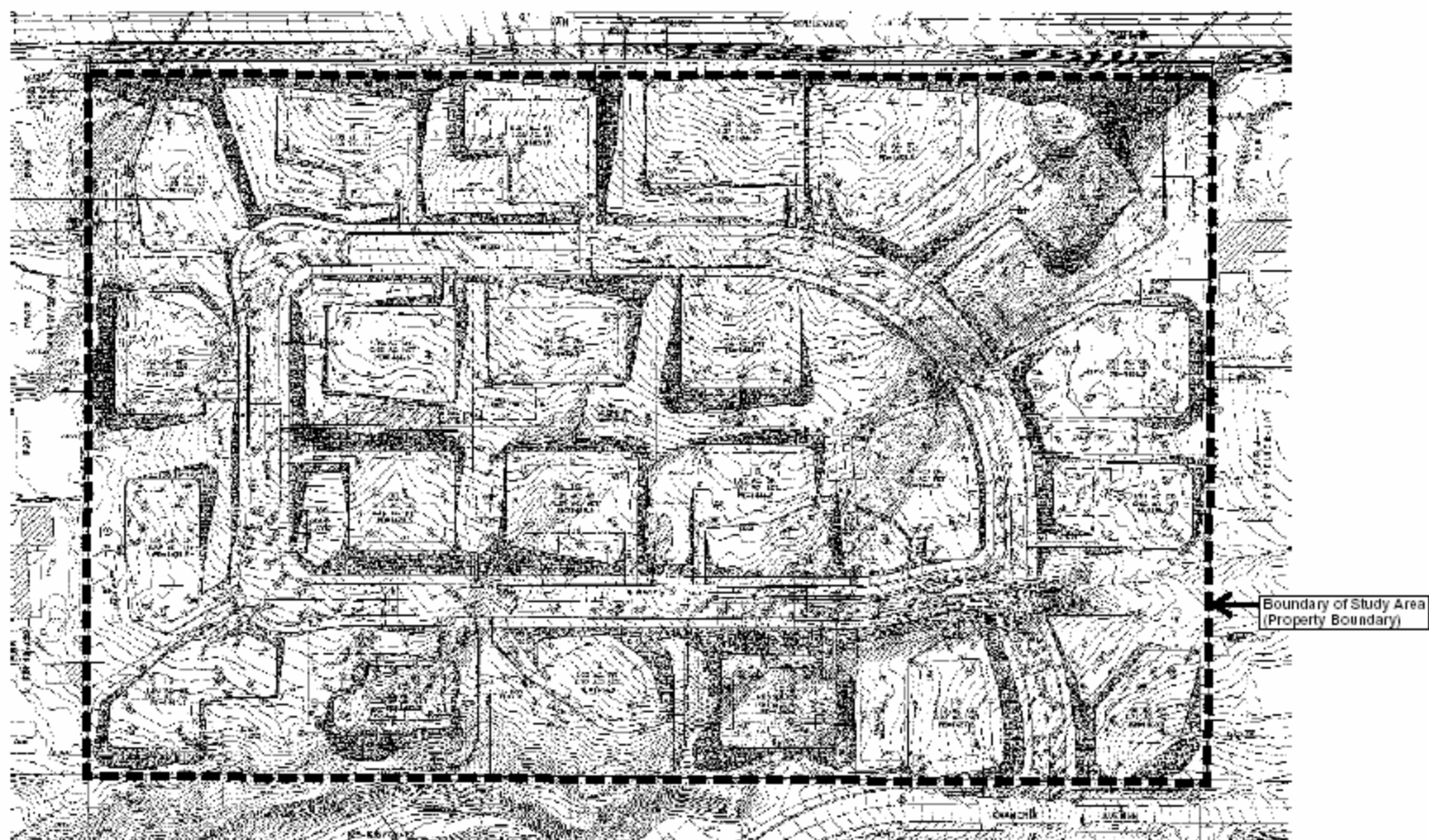


Figure 2
Proposed Project Design
Gallery Heights Development
Tentative Tract 28767
Riverside County, California

0 180 ft

Original Scale: approximately 1 inch = 180 feet (1:2160)
Base map: Blaine A. Womer Civil Engineering March 2003

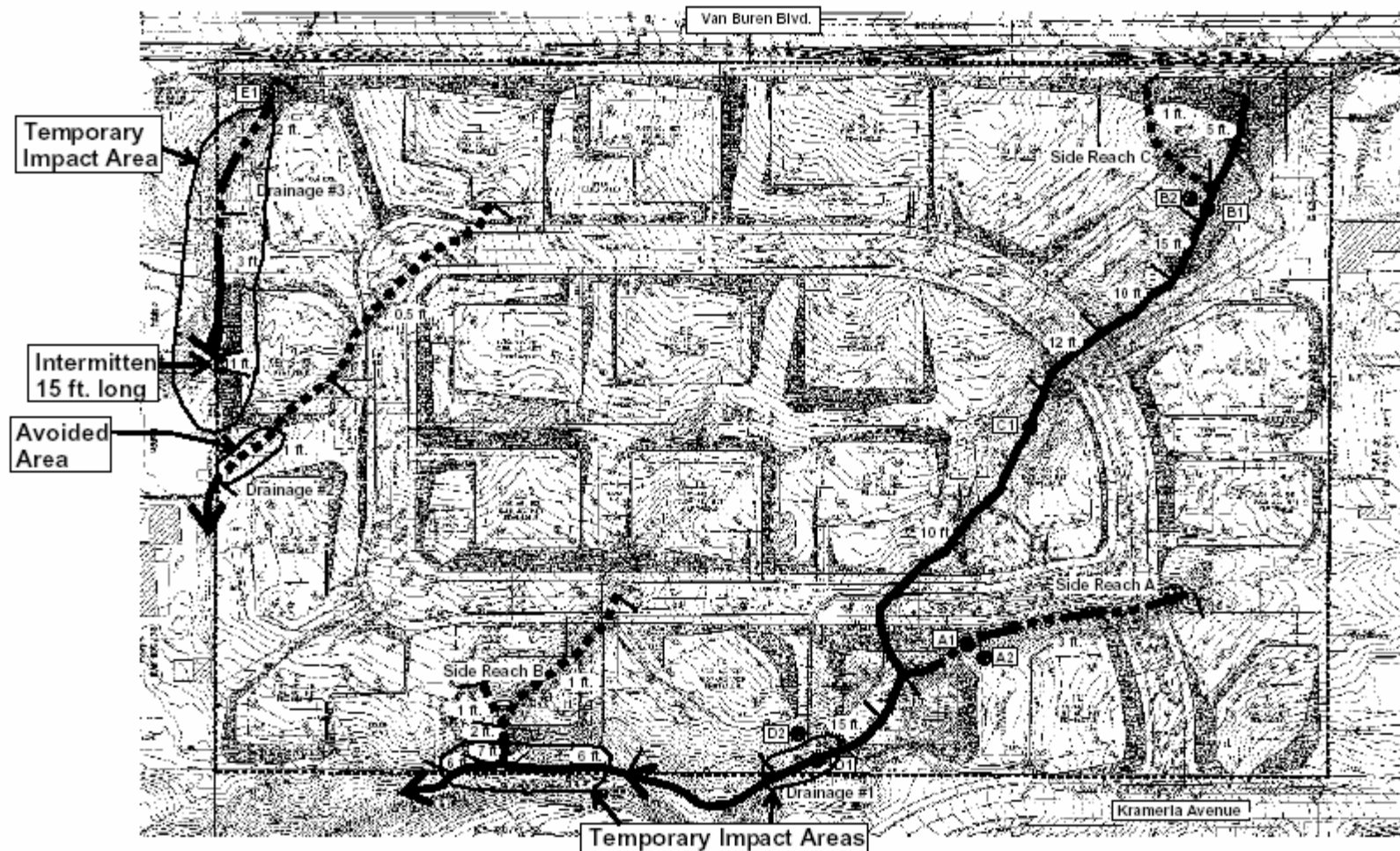


Figure 3

Project Impacts

Gallery Heights Development
Tentative Tract 28767
Riverside County, California



Original Scale: approximately 1 inch = 180 feet (1:2160)
Base map: Blaine A. Womer Civil Engineering (03/24/03)

- Boundary of Study Area
- Ephemeral Drainage (width not to scale)
- Intermittent (Vegetated) Waters (width not to scale)
- Perennial Waters (Wetlands) (width not to scale)
- Average Width of Federal Jurisdiction
- Sample Point
- Continues Off-Site

